

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM SCOTT COLLINS, et al.,

Plaintiffs,

v.

No. CV 20-869 JCH/CG

GREY HAWK TRANSPORTATION, LLC, et al.,

Defendants.

**ORDER SETTING FORENSIC EXPERT SCHEDULE &
MODIFYING DISCOVERY DEADLINES**

THIS MATTER is before the Court upon the Court's *Memorandum Opinion and Order* (the "MOO"), (Doc. 125), filed August 17, 2021; Defendant Grey Hawk Transportation, LLC's *Response to the Court's Order to Show Cause*, (Doc. 127), filed August 20, 2021; and the Zoom motion hearing held on August 31, 2021.

In the MOO, the Court ordered Grey Hawk to show cause why an independent forensic expert should not be appointed, pursuant to Federal Rule of Evidence 706, in order to extract and examine data from Plaintiffs' cell phones and iCloud accounts. (Doc. 125 at 12). In response, Grey Hawk agreed that an expert should be appointed. (Doc. 127 at 1). Indeed, at the motion hearing, the parties agreed to the appointment of an independent forensic expert.

IT IS THEREFORE ORDERED that:

1. Plaintiffs shall reduce to writing (a) the parameters of the work the proposed expert will perform; (b) what files, data, and other materials the proposed expert will extract from Plaintiffs' cell phones and iCloud accounts; and (c) the

process by which the proposed expert will distribute the information once downloaded by **September 3, 2021**;¹

2. The parties shall meet and confer to agree on the items in (1) above by **September 8, 2021**;
3. The parties shall submit a joint proposed order to the Court for the appointment of an independent forensic expert, setting forth the agreed-upon parameters, or, if they are unable to reach an agreement, they shall each submit a separate proposed order to the Court by no later than **September 9, 2021, at 12:00 p.m. MST**;

IT IS FURTHER ORDERED that a hearing on the parties' proposed orders for the appointment of an independent expert, if necessary, will be held by telephone on **Thursday, September 9, 2021, at 2:00 p.m.** The parties shall call Judge Garza's AT&T Teleconference line at (877) 810-9415, follow the prompts, and enter the Access Code 7467959, to be connected to the proceedings.

IT IS FINALLY ORDERED that the Court's *Scheduling Order*, (Doc. 37), *Order Granting Joint Motion to Extend Discovery Deadlines*, (Doc. 86), and *Order Modifying Discovery Deadlines*, (Doc. 96), shall be modified as follows:

1. Discovery on issues only related to Plaintiffs' cell phones and iCloud accounts shall close on **October 1, 2021**;²
2. Motions relating to discovery shall be filed with the Court and served on the

¹ At the motion hearing, the parties indicated that they have agreed to the appointment of Nghi Tran, Digital Discovery Expert, as the independent forensic expert.

² Discovery on all other issues shall close on September 3, 2021, as previously set forth. Moreover, the deadlines for dispositive motions and pretrial orders set by this Court, as well as the trial date and associated deadlines set by the Honorable District Judge Judith C. Herrera remain in effect. See (Doc. 70).

opposing party by **October 8, 2021**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE